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Subject:Activity in Case 1:21-cv-02574-KPF Lehman Brothers Holdings Inc. v. LendingTree, LLC et al Case Transferred In - District Transfer

Content-Type: text/html

**U.S. District Court**

**Southern District of New York**

**Notice of Electronic Filing**

The following transaction was entered on 3/25/2021 at 2:32 PM EDT and filed on 3/25/2021

**Case Name:** Lehman Brothers Holdings Inc. v. LendingTree, LLC et al

**Case Number:** 1:21-cv-02574-KPF

**Filer:**

**Document Number:** 49

**Docket Text:**

**CASE TRANSFERRED IN from the United States District Court – District of Minnesota; Case Number: 0:20-cv-01351. Original file certified copy of transfer order and docket entries received. (sjo)**

**1:21-cv-02574-KPF Notice has been electronically mailed to:**

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**1:21-cv-02574-KPF Notice has been delivered by other means to:**

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The following document(s) are associated with this transaction:

**U.S. District Court**  
**U.S. District of Minnesota (DMN)**  
**CIVIL DOCKET FOR CASE #: 0:20-cv-01351-SRN-HB**  
***Internal Use Only***

Lehman Brothers Holdings Inc. v. LendingTree, LLC et al  
Assigned to: Judge Susan Richard Nelson  
Referred to: Magistrate Judge Hildy Bowbeer  
Cause: 28:1332 Diversity-Declaratory Judgment

Date Filed: 06/11/2020  
Date Terminated: 03/22/2021  
Jury Demand: None  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Lehman Brothers Holdings Inc.**

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V.

**Defendant**

**LendingTree, LLC**

represented by **Carl E Black**

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**Defendant**

**LendingTree, Inc.**

represented by **Carl E Black**

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ATTORNEY TO BE NOTICED

**Kelly G Laudon**

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**Matthew Enriquez**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Email All Attorneys  
Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
06/11/2020	<u>1</u>	DOCUMENT FILED IN ERROR – RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly–owned subsidiary to report for Plaintiff Lehman Brothers Holdings Inc.. (Orenstein, John) Modified text on 6/11/2020 (MMP). (Entered: 06/11/2020)
06/11/2020	<u>2</u>	COMPLAINT against LendingTree, Inc., LendingTree, LLC (filing fee \$ 400, receipt number AMNDC–7793959) filed by Lehman Brothers Holdings Inc.. <b>Filer requests summons issued.</b> (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3, # <u>4</u> Exhibit(s) 4, # <u>5</u> Exhibit(s) 5, # <u>6</u> Exhibit(s) 6, # <u>7</u> Exhibit(s) 7, # <u>8</u> Exhibit(s) 8, # <u>2</u> Civil Cover Sheet) (Orenstein, John) (Entered: 06/11/2020)
06/11/2020	<u>3</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly–owned subsidiary to report for Plaintiff Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 06/11/2020)
06/11/2020	<u>4</u>	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Chief Judge John R. Tunheim per 3rd 4th Master list, referred to Magistrate Judge Becky R. Thorson. Please use case number 20–cv–1351 (JRT/BRT). (MMP) (Entered: 06/11/2020)
06/11/2020	<u>5</u>	Summons Issued as to LendingTree, Inc., LendingTree, LLC. (MMP) (Entered: 06/11/2020)
06/11/2020	<u>1</u>	(Court only) ***Staff notes: Possibly related to case number 19–cv–2360 SRN/HB. (MMP) (Entered: 06/11/2020)
06/11/2020	<u>6</u>	(Text–Only): Notice re: Non–Admitted Attorney  We have received documents listing <b>William A. Maher, James N. Lawlor, Adam M. Bialek, Brant D. Kuehn, Brad J. Axelrod</b> as counsel of record. If he or she wishes to be listed as an attorney of record in this case, he or she must be admitted to the bar of the U.S. District Court of Minnesota in accordance with <u>Local Rule 83.5 (a), (b) and (c)</u> or temporarily admitted pro hac vice in accordance with <u>Local Rule 83.5 (d) or (e)</u> .

For more admissions information and forms, please see the Attorney Forms Section of the courts website at [www.mnd.uscourts.gov/forms/all-forms](http://www.mnd.uscourts.gov/forms/all-forms). (MMP) (Entered: 06/11/2020)

06/15/2020	<u>7</u>	ORDER OF REASSIGNMENT OF RELATED CASES. This case is reassigned to Judge Susan Richard Nelson and Magistrate Judge Hildy Bowbeer for all further proceedings. Chief Judge John R. Tunheim, Magistrate Judge Becky R. Thorson no longer assigned to case. <b>NOTE:</b> the new case number is <b>20-cv-1351 (SRN/HB)</b> . Please use this case number for all subsequent pleadings Signed by Judge Susan Richard Nelson on 6/12/2020 and Chief Judge John R. Tunheim on 6/15/2020.(MKB) Modified text on 6/17/2020 (kt). (Entered: 06/16/2020)
06/15/2020	<u>7</u>	(Court only) ***Set RELTD flag. (MKB) (Entered: 06/16/2020)
06/16/2020	<u>8</u>	(Text-Only) NOTICE – Magistrate Judge Hildy Bowbeer's Practice Pointers, which have been recently revised, are available on the United States District Court for the District of Minnesota's <a href="#">website</a> . All parties are expected to be familiar with and adhere to these Practice Pointers, including any variances from Local Rules. (JMK) (Entered: 06/16/2020)
06/18/2020	<u>7</u>	(Court only) ***Staff Note. REFUND due to Document Filed in Error per Jeff Kult. Pay.gov transaction reference number AMNDC-7793683. (JGK) (Entered: 06/18/2020)
07/21/2020	<u>9</u>	DOCUMENT FILED IN ERROR – MOTION for Admission Pro Hac Vice for Attorney Brad J. Axelrod. Filing fee \$ 100, receipt number AMNDC-7899655 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) Modified text on 7/28/2020 (NAH). (Entered: 07/21/2020)
07/21/2020	<u>10</u>	MOTION for Admission Pro Hac Vice for Attorney Adam M. Bialek. Filing fee \$ 100, receipt number AMNDC-7899689 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 07/21/2020)
07/21/2020	<u>11</u>	MOTION for Admission Pro Hac Vice for Attorney Brant D. Kuehn. Filing fee \$ 100, receipt number AMNDC-7899696 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 07/21/2020)
07/21/2020	<u>12</u>	MOTION for Admission Pro Hac Vice for Attorney James N. Lawlor. Filing fee \$ 100, receipt number AMNDC-7899714 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 07/21/2020)
07/21/2020	<u>13</u>	MOTION for Admission Pro Hac Vice for Attorney Joseph F. Pacelli. Filing fee \$ 100, receipt number AMNDC-7899721 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 07/21/2020)
07/21/2020	<u>14</u>	MOTION for Admission Pro Hac Vice for Attorney Joshua M. Slocum. Filing fee \$ 100, receipt number AMNDC-7899733 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 07/21/2020)
07/21/2020	<u>15</u>	MOTION for Admission Pro Hac Vice for Attorney William A. Maher. Filing fee \$ 100, receipt number AMNDC-7899742 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 07/21/2020)
07/22/2020	<u>16</u>	TEXT ONLY ENTRY: ORDER granting <u>10</u> Motion for Admission Pro Hac Vice of Attorney Adam Bialek for Lehman Brothers Holdings Inc.; granting <u>11</u> Motion for Admission Pro Hac Vice of Attorney Brant Kuehn for Lehman Brothers Holdings Inc.; granting <u>12</u> Motion for Admission Pro Hac Vice of Attorney James N Lawlor for Lehman Brothers Holdings Inc.; granting <u>13</u> Motion for Admission Pro Hac Vice of Attorney Joseph Francis Pacelli for Lehman Brothers Holdings Inc.; granting <u>14</u> Motion for Admission Pro Hac Vice of Attorney Joshua Slocum for Lehman Brothers Holdings Inc.; granting <u>15</u> Motion for Admission Pro Hac Vice of Attorney William A. Maher for Lehman Brothers Holdings Inc. Approved by Magistrate Judge Hildy Bowbeer on 7/22/2020. (NAH) (Entered: 07/22/2020)

07/28/2020	I	(Court only) ***Motions terminated: 2 MOTION for Admission Pro Hac Vice for Attorney Brad J. Axelrod. Filing fee \$ 100, receipt number AMNDC-7899655 filed by Lehman Brothers Holdings Inc. (NAH) (Entered: 07/28/2020)
07/30/2020	I	(Court only) ***Staff Note. REFUND due to Document Filed in Error per Jeff Kult. Refund issued to attorney John B Orenstein. Pay.gov transaction reference number AMNDC-7899655. (JGK) (Entered: 07/30/2020)
08/18/2020	<u>17</u>	NOTICE OF ATTORNEY APPEARANCE/SUBSTITUTION for LendingTree, Inc., LendingTree, LLC. (Laudon, Kelly) (Entered: 08/18/2020)
08/18/2020	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE/SUBSTITUTION for LendingTree, Inc., LendingTree, LLC. (Enriquez, Matthew) (Entered: 08/18/2020)
08/18/2020	<u>19</u>	MOTION for Admission Pro Hac Vice for Attorney Matthew C. Corcoran. Filing fee \$ 100, receipt number AMNDC-7979613 filed by LendingTree, Inc., LendingTree, LLC. (Laudon, Kelly) (Entered: 08/18/2020)
08/18/2020	<u>20</u>	MOTION for Admission Pro Hac Vice for Attorney Carl E. Black. Filing fee \$ 100, receipt number AMNDC-7979657 filed by LendingTree, Inc., LendingTree, LLC. (Laudon, Kelly) (Entered: 08/18/2020)
08/18/2020	<u>21</u>	RULE 7.1 DISCLOSURE STATEMENT. Parent corporation, publicly held corporation or wholly-owned subsidiary reported for Defendants LendingTree, Inc., LendingTree, LLC. (Laudon, Kelly) (Entered: 08/18/2020)
08/18/2020	<u>22</u>	RULE 7.1 DISCLOSURE STATEMENT. Parent corporation, publicly held corporation or wholly-owned subsidiary reported for Defendants LendingTree, Inc., LendingTree, LLC. (Laudon, Kelly) (Entered: 08/18/2020)
08/18/2020	I	(Court only) *** Attorney Matthew Enriquez for LendingTree, Inc.,Matthew Enriquez for LendingTree, LLC added. (MMG) (Entered: 08/19/2020)
08/19/2020	<u>23</u>	MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by LendingTree, Inc., LendingTree, LLC. (Laudon, Kelly) (Entered: 08/19/2020)
08/19/2020	<u>24</u>	NOTICE OF HEARING ON MOTION <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> : Motion Hearing set for 12/16/2020 at 09:30 AM in Courtroom 7B (STP) before Judge Susan Richard Nelson. (Laudon, Kelly) (Entered: 08/19/2020)
08/19/2020	<u>25</u>	MEMORANDUM in Support re <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by LendingTree, Inc., LendingTree, LLC. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Laudon, Kelly) (Entered: 08/19/2020)
08/19/2020	<u>26</u>	Declaration of Dana Barker in Support of <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by LendingTree, Inc., LendingTree, LLC.(Laudon, Kelly) (Entered: 08/19/2020)
08/19/2020	<u>27</u>	MEET and CONFER STATEMENT re <u>23</u> Motion to Dismiss/General filed by LendingTree, Inc., LendingTree, LLC.(Laudon, Kelly) (Entered: 08/19/2020)
08/19/2020	<u>28</u>	PROPOSED ORDER TO JUDGE re <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by LendingTree, Inc., LendingTree, LLC.(Laudon, Kelly) (Entered: 08/19/2020)
08/20/2020	<u>29</u>	TEXT ONLY ENTRY: ORDER granting <u>19</u> Motion for Admission Pro Hac Vice of Attorney Matthew Corcoran for LendingTree, Inc. and for LendingTree, LLC; granting <u>20</u> Motion for Admission Pro Hac Vice of Attorney Carl E Black for LendingTree, Inc. and for LendingTree,



LLC. Approved by Magistrate Judge Hildy Bowbeer on 8/20/2020. (NAH) (Entered: 08/20/2020)

08/25/2020	<u>30</u>	TEXT ONLY ORDER: Due to the pending <u>23</u> Defendants' Motion to Dismiss or, in the Alternative, to Transfer Venue or to Compel Arbitration, the Court finds there is good cause to delay the entry of a pretrial scheduling order. The Court will schedule a pretrial conference, if needed, promptly after a decision is issued on the pending motion. Ordered by Magistrate Judge Hildy Bowbeer on 8/25/2020.(JMK) (Entered: 08/25/2020)
09/02/2020	<u>31</u>	STIPULATION re <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration to Extend Deadlines</i> by Lehman Brothers Holdings Inc.. Jointly Signed by Lehman Brothers Holdings Inc., LendingTree, LLC, and LendingTree, Inc.. (Orenstein, John) (Entered: 09/02/2020)
09/02/2020	<u>32</u>	PROPOSED ORDER TO JUDGE re <u>31</u> Stipulation,. (Orenstein, John) (Entered: 09/02/2020)
09/03/2020	<u>33</u>	ORDER approving <u>31</u> Stipulated briefing schedule re: <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> . Response due by 10/19/2020. Reply due by 11/18/2020. Signed by Judge Susan Richard Nelson on 9/3/2020.(SMD) (Entered: 09/03/2020)
09/22/2020	<u>34</u>	MOTION for Admission Pro Hac Vice for Attorney Christopher J. Lucht. Filing fee \$ 100, receipt number AMNDC-8078391 filed by Lehman Brothers Holdings Inc.. (Orenstein, John) (Entered: 09/22/2020)
09/24/2020	<u>35</u>	TEXT ONLY ENTRY: ORDER granting <u>34</u> Motion for Admission Pro Hac Vice of Attorney Christopher J. Lucht for Lehman Brothers Holdings Inc. Approved by Magistrate Judge Hildy Bowbeer on 9/24/2020. (NAH) (Entered: 09/24/2020)
10/19/2020	<u>36</u>	MEMORANDUM in Opposition re <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by Lehman Brothers Holdings Inc.. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Orenstein, John) (Entered: 10/19/2020)
10/19/2020	<u>37</u>	DECLARATION of Zachary Trumpf in Opposition to <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by Lehman Brothers Holdings Inc..(Orenstein, John) (Entered: 10/19/2020)
10/19/2020	<u>38</u>	DECLARATION of John B. Orenstein in Opposition to <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by Lehman Brothers Holdings Inc.. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E)(Orenstein, John) (Entered: 10/19/2020)
11/12/2020	<u>39</u>	(Text-Only) NOTICE of Resetting of Hearing: The hearing on Defendants' MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> [Doc. No. <u>23</u> ], set for 12/16/2020 at 9:30 AM will now be heard <b>via video conference (no courtroom)</b> before Judge Susan Richard Nelson. Counsel of record will be emailed information on how to join the video conference.  <b>Notice to Public:</b> Please visit our website at <a href="https://www.mnd.uscourts.gov/court-schedules">https://www.mnd.uscourts.gov/court-schedules</a> for audio connection information for this hearing. Note that hearings might not appear on the kiosk until one week before the hearing date.  (SMD) (Entered: 11/12/2020)
11/18/2020	<u>40</u>	REPLY re <u>23</u> MOTION to Dismiss/General <i>or, in the Alternative, to Transfer Venue or to Compel Arbitration</i> filed by LendingTree, LLC.(Laudon, Kelly) (Entered: 11/18/2020)
11/18/2020	<u>41</u>	LR7.1/LR72.2 WORD COUNT COMPLIANCE CERTIFICATE by LendingTree, LLC re <u>40</u> Reply filed by LendingTree, LLC.(Laudon, Kelly) (Entered: 11/18/2020)

11/18/2020	<u>42</u>	DECLARATION of Dana Barker re <u>40</u> Reply by Lending Tree, LLC in Support of Defendants' Reply in Support of Their Motion to Dismiss or, in the Alternative, to Transfer Venue or Compel Arbitration. (Laudon, Kelly) (Entered: 11/18/2020)
12/16/2020	<u>43</u>	Minute Entry for proceedings held before Judge Susan Richard Nelson: Motion Hearing held on 12/16/2020 re <u>23</u> MOTION to Dismiss/General or, in the Alternative, to Transfer Venue or to Compel Arbitration filed by LendingTree, Inc., LendingTree, LLC. The motion was submitted, argued, and taken under advisement. (Court Reporter Carla Bebault) (SMD) (Entered: 12/17/2020)
12/17/2020	<u>43</u>	(Court only) *** Motions Taken Under Advisement: <u>23</u> MOTION to Dismiss/General or, in the Alternative, to Transfer Venue or to Compel Arbitration (SMD) (Entered: 12/17/2020)
01/04/2021	<u>44</u>	TRANSCRIPT REQUEST for an <b>Expedited 7-Day Transcript</b> of <u>43</u> Motion Hearing, to Court Reporter Carla Bebault. (Orenstein, John) (Entered: 01/04/2021)
01/04/2021	<u>45</u>	TRANSCRIPT REQUEST for a <b>COPY OF TRANSCRIPT</b> <u>43</u> Motion Hearing, to Court Reporter Carla Bebault. (Laudon, Kelly) (Entered: 01/04/2021)
01/06/2021	<u>46</u>	<p>TRANSCRIPT of Motions Hearing held on 12/16/2020 before Judge Susan Richard Nelson. (34 pages). Court Reporter: Carla Bebault. For a copy of the transcript, please file a Transcript Request under <i>Other Filings/Other Documents</i>.</p> <p><b>Parties have 7 days to file a Notice of Intent to Request Redaction. In accordance with Judicial Conference policy and <u>Local Rule 80.1</u>, the transcript may be released and made remotely electronically available to the public in 90 days.</b> For further information on redaction procedures, please review <u>Local Rule 5.5</u> and <u>Case Information</u> &gt;Transcripts, Court Reporters and Digital Audio Recordings.</p> <p>Notice Intent/No Intent to Request Redactions due 1/13/2021.  Redaction Request due 1/27/2021.  Redacted Transcript Deadline set for 2/8/2021.  Release of Transcript Restriction set for 4/6/2021.</p> <p>(CRB) (Entered: 01/06/2021)</p>
01/06/2021	<u>46</u>	(Court only) ***Staff notes – Transcript fee paid by Matthew D Forsgren, Joshua Slocum, Matthew Corcoran, Carl E Black, Kelly G Laudon. Electronic access to transcript <u>46</u> granted during the 90–day restriction period. (CRB) (Entered: 01/06/2021)
01/11/2021	<u>47</u>	NOTICE of Withdrawal as Attorney <i>Matthew D. Forsgren</i> (Orenstein, John) (Entered: 01/11/2021)
01/11/2021	<u>47</u>	(Court only) *** Attorney Matthew D Forsgren terminated. (MTP) (Entered: 01/12/2021)
03/22/2021	<u>48</u>	ORDER granting in part <u>23</u> Defendants' Motion to Dismiss or, in the Alternative, to Transfer Venue or to Compel Arbitration (Written Opinion). Signed by Judge Susan Richard Nelson on 3/22/2021. (MJC) (Entered: 03/22/2021)
03/22/2021	<u>48</u>	(Court only) ***Civil Case Terminated. (SMD) (Entered: 03/22/2021)